



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/225,574 01/05/99 TARRY

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EXAMINER

QM12/1205

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ART UNIT

PAPER NUMBER

3712

DATE MAILED:

12/05/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/225,574

Applicant(s)

TARRY ET AL.

Examiner

Sam Rimell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

[Handwritten signature]
ALIBAY EXTRA

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Preliminary Note: Applicant has added a new claim 19, although claim 19 already exists in the record. Accordingly, this claim has been re-numbered as claim 37. Applicant is reminded to exercise caution when adding claims, as two different claims should not have the same claim number.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-18 and 37 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Brostedt et al. ('684)

Brostedt et al. discloses a system that is identical to the present invention. The system includes an image projection system (10) and a video control system (34,36, 36A, 51, 52, 24, 25). The image projection system is in the form of a pair of glasses which have transparent lenses so that the user can see the golf ball and swing. FIG. 7 illustrates a view of two images which are superimposed on the lenses of the glasses. The first image is instructional information in the form of live or played back video of an instructor, and the second is instructional information in the form of live video showing the student as he/she takes a swing. The two images are projected simultaneously on the glasses. Additional information, in the form of swing analysis (dashed lines Fig. 7), audio information (col. 8, line 51-52) and textual information (Letter "S" on student and letter "P" on the professional) are also projected through the glasses. The instructor will

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typically be in the same location as the student (Fig. 10), or the instructor may be remote, as would be the case when the instructional images derive from a video library (col. 9, line 21).

Remarks

Applicant's arguments with respect to claim 1 are not well taken. Applicant argues that Brostedt et al. does not disclose a video analysis feature, although claim 1 makes no such requirement. This feature does not actually appear anywhere except in claim 10. Nonetheless, Brostedt et al. discloses this exact feature, in provides a swing analysis in the form of dashed lines (shown in Fig. 7) which are projected to the user. Applicant also argues that the device of Brostedt et al. does not provide for swing measurements, although this is exactly shown by the dashed lines of Brostedt et al. and provides part of the analysis of the swing. Applicant further argues that Brostedt lacks an audio signal provided to the user in conjunction with the swing, although this is exactly disclosed by Brostedt et al. (col. 8, lines 51-52).

Applicant's amendments to claim 2, and the introduction of the same subject matter in new claim 37 (re-numbered from 19) recites features in alternative form. Although the Examiner is only required to show one of these features to meet the alternative limitation, in fact, Brostedt et al. shows all three. Brostedt et al. discloses graphical video signals (FIG. 7), audio signals (col. 8, lines 51-52) and textual data (Letter "S" on student and letter "P" on professional instructor).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell
Primary Examiner
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